

MINUTES

MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Joe Balyeat, on January 25, 2011 at 9:00 A.M., in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Joe Balyeat, Chairman (R)
Sen. Verdell Jackson, Vice Chairman (R)
Sen. Frederick "Eric" Moore (R)
Sen. Carmine Mowbray (R)
Sen. Donald J. Steinbeisser (R)
Sen. Sharon Stewart-Peregoy (D)
Sen. Mitch Tropila (D)
Sen. Gene Vuckovich (D)

Members Excused: Sen. Tom Facey (D)
Sen. Bruce Tutvedt (R)
Sen. Jonathan Windy Boy (D)

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Pat Murdo, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 29, 1/21/2011; SB 203, 1/21/2011

Executive Action: SB 203 Do Pass; SB 165 Do Pass As Amended, SB 130 Tabled
(Note: SB 165 also had Executive Action on 1/21/11)

HEARING ON SB 29

Opening Statement by Sponsor:

00:02:05 Sen. Lynda Moss (D), SD 26, opened the hearing on SB 29, Mandatory alcohol server and sales training.

EXHIBIT(bus19a01)

00:10:51 Chairman Balyeat

00:11:10 Sen. Moss

Proponents' Testimony:

00:14:58 Brad Griffin, Executive Director, Montana Restaurant Association (MRA)

00:17:24 Colonel Mike Tooley, Chief of Highway Patrol

00:20:17 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

00:22:25 Ronna Alexander, Convenience Store Association (CSA)

00:23:32 Mark Staples, Montana Tavern Association (MTA)

00:24:49 Neil Peterson, Gaming Industry Association (GIA)

EXHIBIT(bus19a02)

00:26:17 Sen. Facey arrived

00:28:21 Kris Minard, self

00:29:08 Tony Herbert, Montana Brewers Association (MBA)

00:29:31 Jeff Hainline, Montana Restaurant Association (MRA); Trainer, Training for Intervention Procedures (TIPS) Program, Member of Missoula County Task Force

00:31:33 Kristi Blazer, Beer and Wine Distributor's Association

00:32:34 Larry Epslen, Montana County Attorney's Association (MCAA), Montana Chiefs of Police (MCP), Montana Police Protective Association (MPPA)

Opponents' Testimony:

00:33:33 Chairman Balyeat read a portion of the written testimony submitted by Heather McDougall, Troy

EXHIBIT(bus19a03)

Informational Testimony:

00:34:26 Shauna Helfert, Liquor Control Division, Department of Revenue (DOR)

Questions from Committee Members and Responses:

00:34:48 Sen. Jackson

00:36:21 Jeff Hainline, MRA, Trainer

00:36:53 Sen. Jackson

00:36:56 Sen. Moss

00:38:25 Sen. Facey

00:39:05 Shauna Helfert, DOR

00:39:14 Sen. Tropila
00:41:06 Ms. Helfert
00:41:45 Chairman Balyeat
00:41:58 Sen. Tropila
00:42:36 Mr. Griffin, MRA
00:43:18 Sen. Tropila
00:43:24 Mark Staples, MTA
00:44:18 Sen. Steinbeisser
00:44:23 Mr. Griffin
00:45:49 Chairman Balyeat
00:47:42 Sen. Tropila
00:48:04 Chairman Balyeat

Note: See further Questions on SB 29 after the Hearing on SB 203

Closing by Sponsor:

00:48:11 Sen. Moss
00:50:46 Chairman Balyeat

HEARING ON SB 203

Opening Statement by Sponsor:

00:51:42 Sen. Ryan Zinke (R), SD 2, opened the hearing on SB 203, Allow non-brewery sale of beer in growlers for off premises consumption.

[EXHIBIT\(bus19a04\)](#)

Proponents' Testimony:

00:57:42 Tony Herbert, Montana Brewers Association (MBA)
00:59:17 Mark Staples, Montana Tavern Association (MTA)
01:01:39 Neil Peterson, Gaming Industry Association (GIA)
01:01:58 Brad Griffin, Montana Restaurant Association (MRA)

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:02:27 Sen. Tropila
01:05:48 Mark Staples, MTA
01:06:52 Chairman Balyeat, without objection redirect to Department of Revenue
01:07:14 C.A. Daw, Department of Revenue
01:09:17 Sen. Tropila
01:09:25 Mr. Daw

Closing by Sponsor:

01:09:46 Sen. Zinke
01:11:25 Chairman Balyeat

Further Questions from Committee Members and Responses on SB 29

01:12:20 Chairman Balyeat
01:12:28 Mark Staples
01:15:10 Chairman Balyeat
01:15:54 Mark Staples, without objection redirect to Mr. Hainline
01:16:11 Mr. Hainline, MRA, Trainer
01:16:53 Chairman Balyeat
01:16:58 Mr. Hainline
01:18:51 Chairman Balyeat

EXECUTIVE ACTION ON SB 165

Note: SB 165 was not reported out of committee after Executive Action 1/21/11, as it was determined the bill needed to be further amended.

01:19:13 Chairman Balyeat

EXHIBIT(bus19a05)

01:20:02 Sen. Tropila

01:20:29 **Motion/Vote:** Chairman Balyeat moved to **RECONSIDER THE ACTION TAKEN on SB 165**. Motion carried unanimously by voice vote.

Discussion:

01:21:19 Chairman Balyeat
01:21:29 Sen. Facey
01:21:46 Chairman Balyeat
01:21:49 Pat Murdo, Legislative Services Division (LSD)

01:21:59 **Motion/Vote:** Sen. Balyeat moved that **SB 165 BE AMENDED**. Motion carried unanimously by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:22:41 **Substitute Motion/Vote:** Sen. Tropila made a substitute motion that **SB 165 BE TABLED**. Substitute Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:24:17 **Motion:** Sen. Facey moved to reverse the vote on SB 165 to **DO PASS AS AMENDED**. Chairman Balyeat stated that without objection SB 165 passes out of committee.

EXECUTIVE ACTION ON SB 130

01:24:52 **Motion:** Sen. Facey moved that **SB 130 DO PASS**.

Discussion:

01:25:24 Sen. Facey
01:25:35 Chairman Balyeat, without objection, Don Gilbert may be questioned
01:25:46 Sen. Facey
01:25:50 Don Gilbert, Department of Labor
01:26:33 Chairman Balyeat
01:26:51 Don Gilbert, DOL
01:27:01 Chairman Balyeat
01:27:44 Sen. Tropila
01:28:08 Sen. Stewart-Peregoy
01:29:53 Chairman Balyeat
01:32:54 Sen. Vuckovich
01:34:12 Chairman Balyeat
01:34:44 Sen. Mowbray
01:35:51 Sen. Steinbeisser
01:36:26 Sen. Vuckovich
01:36:49 Sen. Moore
01:36:55 Sen. Facey
01:37:03 Chairman Balyeat

01:37:07 **Vote:** Motion failed 5-6 by roll call vote with Sen. Facey, Sen. Stewart-Peregoy, Sen. Tropila, Sen. Vuckovich and Sen. Windy Boy voting aye. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

01:37:55 **Motion:** Chairman Balyeat, without objection, reverse vote and **TABLE SB 130.**

EXECUTIVE ACTION ON SB 203

01:38:21 **Motion:** Sen. Facey moved that **SB 203 DO PASS.**

Discussion:

01:38:37 Sen. Facey
01:38:40 Sen. Mowbray

01:39:14 **Vote:** Motion carried 11-0 by voice vote. Sen. Tutvedt and Sen. Windy Boy voted by proxy.

EXECUTIVE ACTION ON SB 168

01:39:43 Chairman Balyeat
01:39:50 Ms. Murdo, LSD
01:40:51 Sen. Facey
01:40:55 Sen. Jackson

EXECUTIVE ACTION ON SB 29

01:41:06	Chairman Balyeat
01:41:31	Ms. Murdo
01:41:39	Sen. Jackson
01:42:02	Sen. Mowbray
01:42:33	Ms. Murdo
01:42:40	Chairman Balyeat
01:44:00	Ms. Murdo
01:46:00	Chairman Balyeat

ADJOURNMENT

Adjournment: 10:46 A.M.

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus19aad.pdf](#))